



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,031	11/17/2003	LeNoir E. Zaiser	2173.1004-003	2790

7590 05/31/2007  
Rodney D. Johnson, ESQ.  
R.D. Johnson & Associates, P. C.  
70 Walnut Street  
Wellesley Hills, MA 02481

EXAMINER
----------

MITCHELL, TEENA KAY

ART UNIT	PAPER NUMBER
----------	--------------

3771

MAIL DATE	DELIVERY MODE
-----------	---------------

05/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/715,031	Applicant(s) E. ZAISER ET AL.	
	Examiner Teena Mitchell	Art Unit 3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/5/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-35 is/are allowed.
- 6) ☒ Claim(s) 1,5,6,8,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 2-4,7-11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Applicant is advised that the Notice of Allowance mailed is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

### ***Claim Rejections - 35 USC § 102***

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**Claims 1 and 6, 8, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkins (5,655,524).**

Atkins in a gas flow device (1) discloses an outer body (2) having an inner cavity (Figs. 3, 4) formed therein, the inner cavity bounded by an inner wall of the outer body, the inner wall having an orifice (at 13) extending through the outer body; an inner element (20) within the inner cavity, the inner element having an external wall with a coupling feature (12, 21), the coupling feature aligned with the orifice (at 13); and a gas

fitting (Fig. 4) extending through the orifice and engaged with the inner element via the coupling feature (Fig. 4).

Regarding claim 6, Atkins discloses wherein the at least one of a pressure reduction element or a flow-meter assembly (20).

**The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.**

**The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).**

**Claims 1, 6, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Collado et.al. (5,996,625).**

Collado in a gas flow device discloses an outer body (11) having an inner cavity formed therein, the inner cavity bounded by an inner wall of the outer body (11), the inner wall having an orifice (note orifice where 8 is located) extending through the outer

body; an inner element (7) within the inner cavity, the inner element having an external wall with a coupling feature (Figs. 1, 2), the coupling feature aligned with the orifice (where 8 is located Figs. 1, 2); and a gas fitting (8) extending through the orifice engaged with the inner element via the coupling feature.

Regarding claim 5, Collado discloses wherein the coupling feature includes matable threads (inasmuch as the coupling is screwed on it inherently has matable threads (Col. 5, lines 9-18).

Regarding claim 6, Collado discloses wherein the inner element (7) is at least one of a pressure reduction element or a flow-meter assembly (reducing valve 51).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkins (5,655,524).

Regarding claims 8, Atkins discloses an outer body (2); an inner cavity (Figs. 3, 4), the inner cavity bounded by an inner wall of the outer body (Figs. 3, 4); an orifice through the outer body to the inner wall (at 13) an inner element (12, 21) having an external wall with a coupling feature; the inner element in the inner cavity (Figs. 3, 4); and a gas fitting through the orifice and the gas fitting with the inner element via the coupling feature to secure the inner element within the inner cavity (Figs. 3, 4; Col. 4, lines 44-51), the claimed method steps would have been obvious because they would have resulted from the device of Atkins (note rejection of claim 1 above).

Regarding claim 13, note rejection of claim 6 above.

**Claims 8, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collado et.al. (5,996,625).**

Collado discloses an outer body (11); an inner cavity (Figs. 1, 2), the inner cavity bounded by an inner wall of the outer body (Figs. 1, 2); an orifice through the outer body to the inner wall (at 8) an inner element (7) having an external wall with a coupling feature (at 8); the inner element in the inner cavity (Figs. 1, 2); and a gas fitting through the orifice (8) and the gas fitting with the inner element via the coupling feature to secure the inner element within the inner cavity (Figs. 1, 2; because the coupling feature screws into the inner element it inherently secures the inner element within the cavity), the claimed method steps would have been obvious because they would have resulted from the device of Collado (note rejection of claim 1 above).

Regarding claim 12, note rejection of claim 5 above (Collado).

Regarding claim 13, note rejection of claim 6 above (Collado).

***Allowable Subject Matter***

Claims 2-4, 7, 9-11, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-35 are allowable over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teena Mitchell whose telephone number is (571) 272-4798. The examiner can normally be reached on Monday-Friday however the examiner is on a flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/715,031

Art Unit: 3771

Page 7



Teena Mitchell  
Primary Examiner  
Art Unit 3771  
May 16, 2007

TKM  
TKM